

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

MEETING OF DECEMBER 7, 1995

There will be a meeting of the Manistee City Planning Commission to be held on Thursday, December 7, 1995 at 7:00 P.M. in the Second Floor Conference Room, City Hall, 70 Maple Street, Manistee, Michigan.


AGENDA

- I. Roll Call
- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing:
 - 1.
 - B. Site Plan Reviews:
 - 1. Carriage Inn
 - 2. Bill Seng - Marina Building
 - C. Questions, Concerns and Consideration of Matters Pertaining to Citizens in Attendance:
 - 1. Jennifer Snay - Adult Foster Care
- III. Business Session:
 - A. Approval of Minutes from Last Meeting (11/2/95)
 - B. Unfinished Business:
 - 1.
 - 2.
 - C. Other Communications:
 - 1. City Update
 - 2. L.I.S.C.
 - D. Reports:
 - 1. D.D.A. Update
 - 2. Zoning Board of Appeals
 - 3. Site Plan Review/Historic Overlay Committees
 - 4. Joint City Review/Ordinance Committee
 - 5. Public Access North end Lake Michigan Beach
 - 6. Parking - Man-Made Lake
 - 7. Oil & Gas Committee
 - 8. River Street Traffic
 - 9. Pre-Manufactured Homes
 - E. New Business:
 - 1. Election of Officers
 - 2.
- IV. Work/Study Session:
- V. Adjournment

cc: Planning Commission Members
City Council
R. Ben Bifoss, City Manager
Jon Rose, City Code Administrator
Kurt Schindler, County Planner
Manistee News Advocate
Manistee Observer
WMTE Radio
WXYQ Radio
Dale Picardat
Julie Beardslee, Assessor

CODE ADMINISTRATOR CITY OF MANISTEE

MEMORANDUM

TO: Planning Commission Members
FROM: Jon R. Rose 
DATE: December 1, 1995
RE: December 7, 1995 Planning Commission Meeting

First thing is to remind you that the City Council will be conducting interviews in the Council Chambers so our meeting will be held in the Second Floor Conference room.

Our Agenda includes a site plan review for the Carriage Inn (the site plan was not available for the mailing and will be handed out at the meeting). We received a request from Jennifer Snay to again discuss Adult Foster Care Homes. The annual election of officers will also be held.

The rest of the agenda is our regular Business Session and Reports from sub-committees. If you have any questions, please call me at 723-2558.

JRR:djm

FROM THE DESK OF...

Jon R. Rose
Code Administrator
City of Manistee
P.O. Box 358
Manistee, MI 49660

(616) 723-2558
FAX: (616) 723-1546

SITE PLAN REVIEW

NAME: *Carriage Inn*
200 Arthur Street
Manistee, MI 49660

PROPOSED USE: *Motel*

ZONING DISTRICT: *C-1*

PARCEL CODE: *51-51-101-250-01*

USE IS: ☒ Permitted
☐ Special
☐ Not Permitted

BULK REGULATIONS

| | REQUIRED BY ZONING | PROPOSED IN PLAN | COMPLIANCE | |
|------------------|-----------------------|---------------------|--------------------------|--------------------------|
| | | | YES | NO |
| PARCEL SIZE: | | Existing | <input type="checkbox"/> | <input type="checkbox"/> |
| STREET FRONTAGE: | | Existing | <input type="checkbox"/> | <input type="checkbox"/> |
| SETBACKS | | | | |
| FRONT YARD | 54 | 70 | X | <input type="checkbox"/> |
| SIDE YARD | 10 | >10 | X | <input type="checkbox"/> |
| REAR YARD | 10 | >10 | X | <input type="checkbox"/> |
| WATERFRONT | N/A | | <input type="checkbox"/> | <input type="checkbox"/> |
| HEIGHT: | <30 | <30 | X | <input type="checkbox"/> |
| PARKING: | N/A | | <input type="checkbox"/> | <input type="checkbox"/> |
| BUILDING AREA: | N/A | | <input type="checkbox"/> | <input type="checkbox"/> |

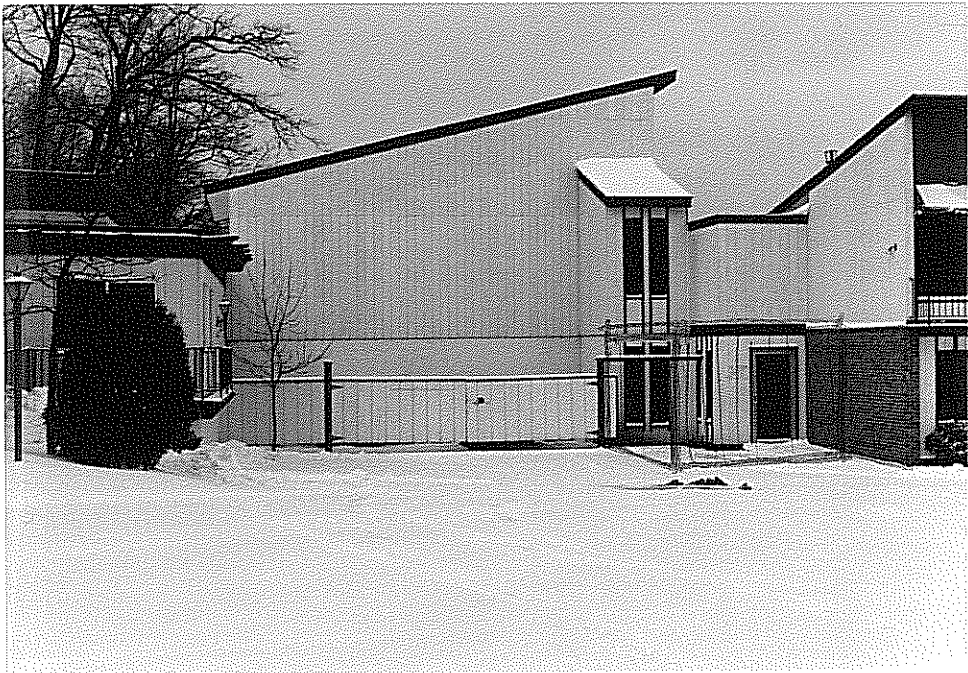
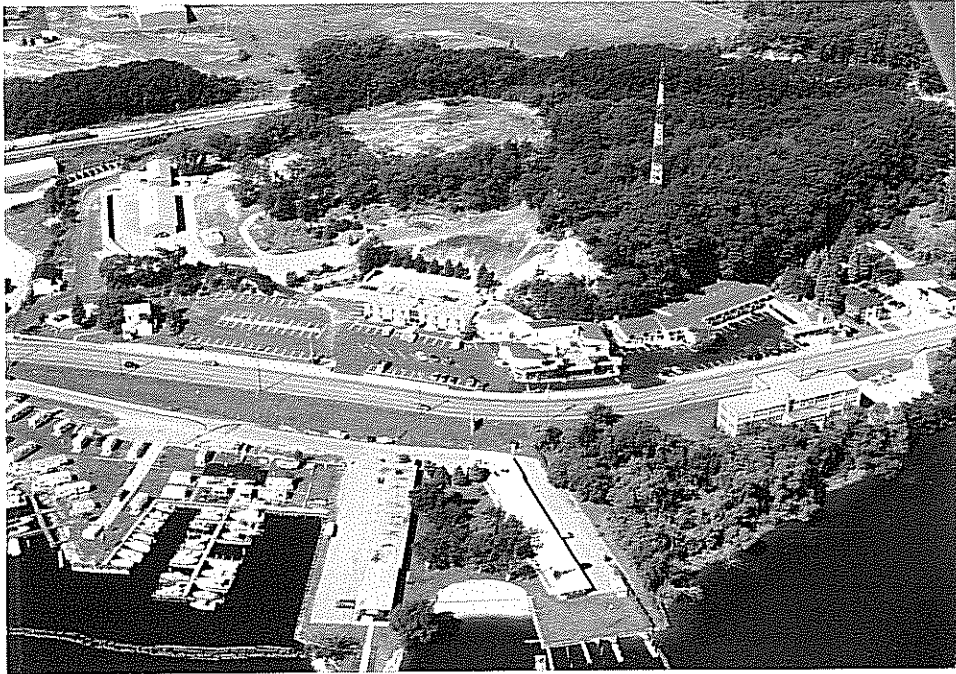
SPECIAL DISTRICTS

| | APPLIES? | | APPROVED? | |
|--------------------|--------------------------|----|--------------------------|--------------------------|
| | YES | NO | YES | NO |
| HISTORIC OVERLAY: | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> |
| HIGH RISK EROSION: | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> |
| FLOOD PLAIN: | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> |
| SOIL EROSION: | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> |

OTHER:

REVIEWED BY: 

DATE: 12/7/95



12.7.95

SITE PLAN REVIEW

NAME: *Seng's Marina*
47 Lake Street
Manistee, MI 49660

PROPOSED USE: *Marina*

ZONING DISTRICT: *MUD*

PARCEL CODE: *51-51-448-735-09*

USE IS: ☒ Permitted
☐ Special
☐ Not Permitted

BULK REGULATIONS

| | REQUIRED BY ZONING | PROPOSED IN PLAN | COMPLIANCE | |
|------------------|-----------------------|---------------------|-------------------------------------|--------------------------|
| | | | YES | NO |
| PARCEL SIZE: | | <i>Existing</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| STREET FRONTAGE: | | <i>Existing</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| SETBACKS | | | | |
| FRONT YARD | | <i>N/A</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| SIDE YARD | | <i>N/A</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| REAR YARD | <i>10</i> | <i>100+</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATERFRONT | <i>100</i> | <i>105</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| HEIGHT: | <i>30</i> | <i>17</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PARKING: | | <i>N/A</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| BUILDING AREA: | | <i>N/A</i> | <input type="checkbox"/> | <input type="checkbox"/> |

SPECIAL DISTRICTS

| | APPLIES? | | APPROVED? | |
|--------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| | YES | NO | YES | NO |
| HISTORIC OVERLAY: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| HIGH RISK EROSION: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| FLOOD PLAIN: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SOIL EROSION: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

OTHER:

REVIEWED BY: 

DATE: *December 7, 1995*

FILER & SMITH ADDITION

5

4

LAKE STREET

NEW
PARKING
(98 CARS)

APPROX. LOCATION
OF SERVICE BLDG.

EXTS.
UTILITY
VAULT

EXTS.
BUILDING

EXTS. TREES

NEW DOCKS

FUTURE MARINA
EXPANSION

PROPERTY LINE

PROP. LINE

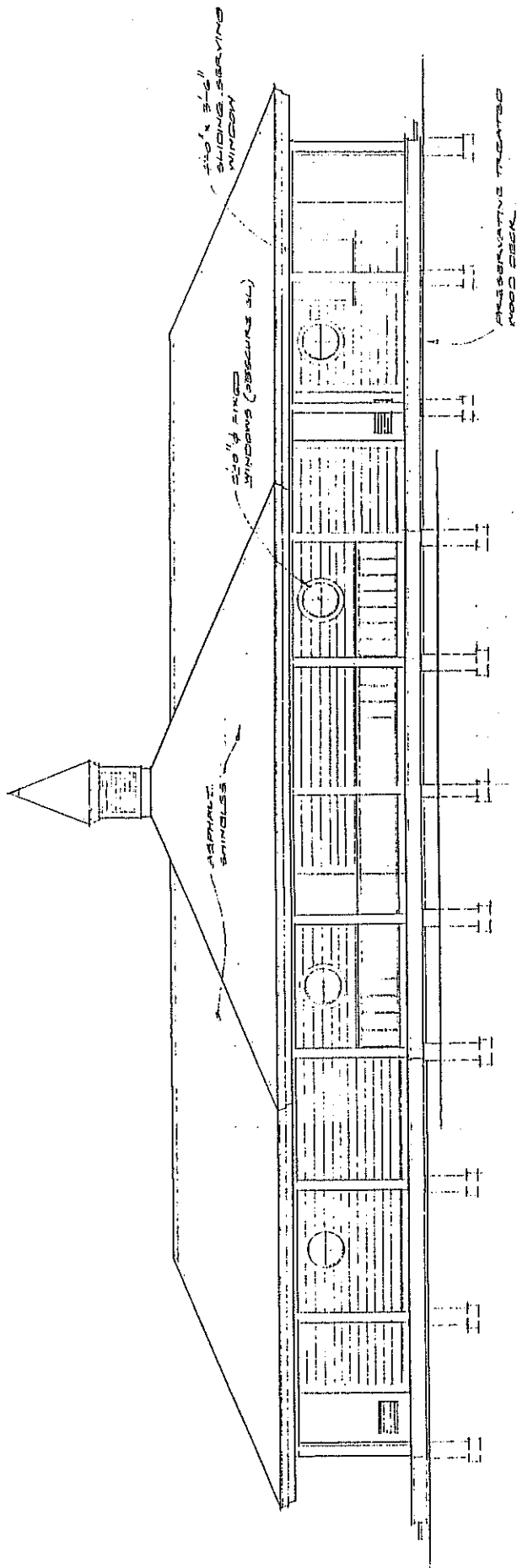
MANISTEE LAKE



SITE PLAN

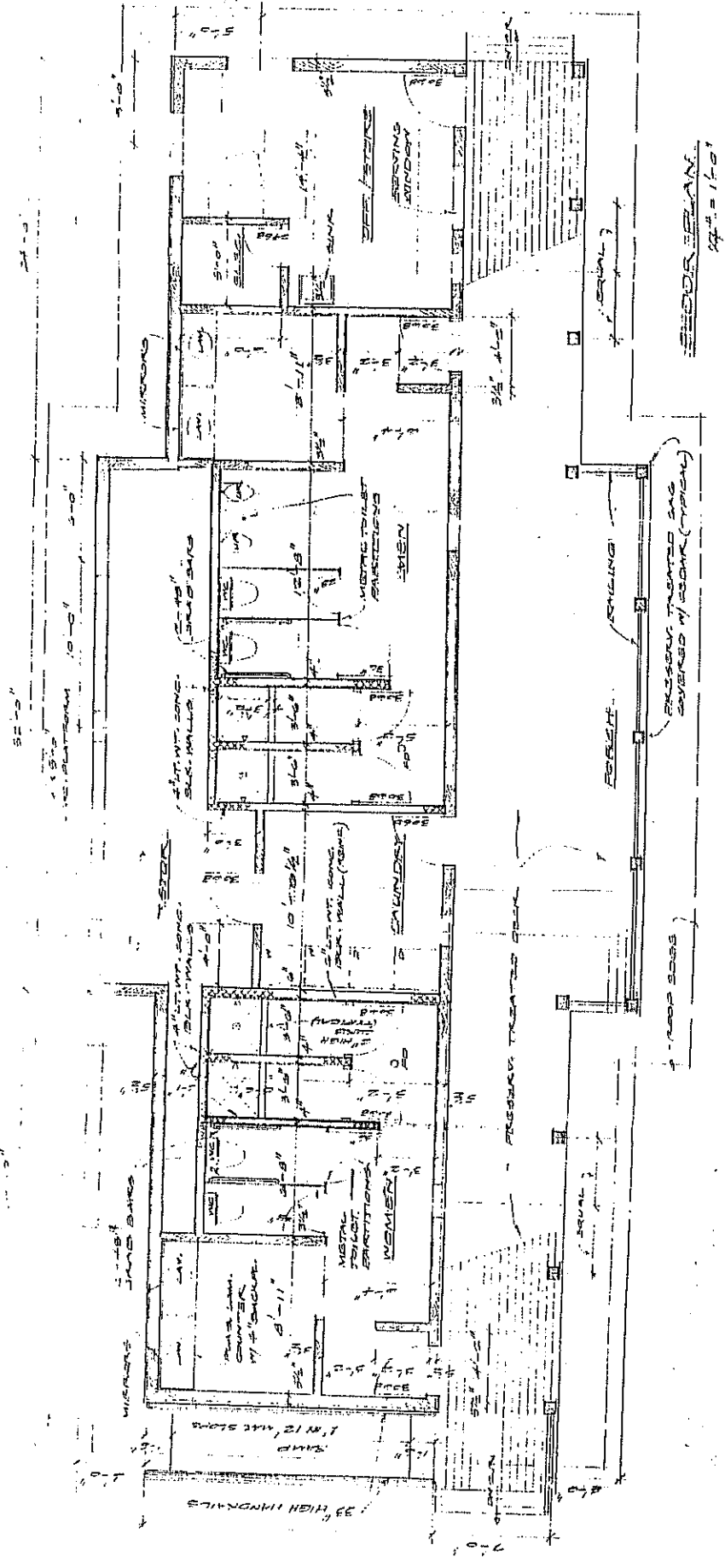
NOT SCALE

SEE DETAILED SITE PLAN ON SH.S-1



SOUTH ELEVATION
 1/4" = 1'-0"





3'-0" = 1'-0"

PRISON TREATED AND COVERED W/ COAR (TYPICAL)

1'-0" = 1'-0"

ADULT FOSTER CARE HOMES

ZONING ORDINANCE

The SIC code number for Adult Foster care is 8361. The following describes the zoning districts where such a use is permitted by right or as a special use:

| | | |
|----------|---|--|
| MUD | - | Permitted |
| R-4, R-5 | - | Special Use in converted single family home on a major street. |
| C-1 | - | Permitted in newly constructed building. |
| C-2 | - | Permitted. |
| C-4, C4A | - | Permitted. |

Providers of Adult Foster Care attempt to provide an environment which is as close to residential in nature as possible. Because of this the MUD and Commercial Districts may be less than ideal as sites for Adult Foster Care. These districts do have the advantage to being close to services and stores for residents who may want walking distance access to such services. The R-4 and R-5 special uses in converted single-family dwellings pretty much preclude more than six bed homes in light of the fire marshall's recent decision regarding fire separation and sprinkling between floors.

While the courts have ruled that fair housing laws allow no discrimination regarding six bed homes, it is obvious that at some point Adult Foster Care Homes become a commercial operation with a negative traffic impact on residential neighborhoods. Even with the restrictions available through a Special Use Permit it would be undesirable to allow indiscriminate siting of Adult Foster Care Homes throughout the R-4 Zoning District.

MASTER PLAN

The Manistee Master Plan addresses high density residential starting on page 3A-7. *"The high density residential (HDR) suitability analysis was aimed primarily at causing the best location for higher density to occur where the greatest service levels exist. High Density Residential also follows the transitional pattern by surrounding more intense commercial activity thus creating a buffer to other residential use area."*

Number 4 of the recommendations for high density residential (Page 3A-9) reads: *"INSTITUTIONAL. Certain residential facilities such as large or congregate foster care facilities, nursing homes, geriatric centers, and extended care retirement complexes could be permitted either as special uses in various high density residential and commercial districts, or be placed in zones as principal permitted uses..."*

development standards should be particularly sensitive to the surrounding area and provide detailed specifications for green building and screening."

It would appear that the Master Plan would support the siting of an Adult Foster Care Homes on the perimeter of the Commercial Districts. It would appear that the C-4A District which is on the edges of the C-4 District would be especially suited for such use.

Another possible location for Adult Foster Care Zoning might be affordable residential (AFR) . This area is primarily what our zoning ordinance describes as R-5. On page 3A-10 the AFR recommendations say in part: *"Since the AFR area has many of the same characteristics of the HDR area, regulatory similarities can be expected."* And, *"this area is best suited for a wide variety of housing types and densities including apartments, affordable single family, mobile/modular housing and clustered single family arrangements such as zero lot lines and duplex's"*

12-7-95

MANISTEE CITY PLANNING COMMISSION
70 MAPLE STREET
MANISTEE, MI 49660

November 29, 1995

Mayor Lorraine Conway
506 9th Street
Manistee, MI 49660

Dear Mayor Conway,

The Planning Commission strongly recommends that the City Council take official action to place a hold on construction of the sour gas pipeline along Cherry Street until the safety analysis which the City will have performed by an independent expert is completed. This position is based on the following:

1) Information currently available to the Planning Commission indicates that a significant concern over public safety is warranted. These concerns are outlined in Attachment No. 1. The concerns can only be resolved by an independent safety analysis of the Golf Course and Cherry Street wells, and the associated pipeline. The analysis should include an assessment of evacuation feasibility. Public safety is paramount to all other considerations, therefore before allowing pipeline construction the City should aggressively evaluate safety until all concerns are resolved.

2) As it now stands construction will start immediately after the open items between Filer Township and the pipeline company are resolved. This could be as soon as mid-December. The Planning Commission recommended that the City obtain an independent safety analysis at its August 3rd meeting. Proposals are being obtained, however a contract for the study has not been placed. If construction is not put on hold, the pipeline will be installed before the study is completed. In that case the City would not have taken the action which the Planning Commission feels is necessary to assure the safety of our citizens.

As identified in Attachment No. 2, we feel that the two organizations who have submitted bids should be disqualified. A third bid has been requested, but has not been received. We also recommend that the Council accept our recommendation regarding this matter.

Thank you.



Ron Bauman, Chairman
Oil & Gas Committee

cc: City Council
Ben Bifoss
Jon Rose
City Planning Commission

Manistee City Planning Commission
70 Maple Street
Manistee, MI 49660

November 27, 1995

Mr. Ben Bifoss, City Manager
City of Manistee
70 Maple Street
Manistee, MI 49660

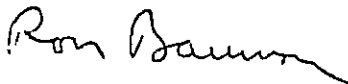
Re: Sour Gas Well and Pipeline
Independent Safety Analysis

The City has obtained proposals from Earthtech, Poirboeuf Petroleum Engineering and Woodward-Clyde for the performance of an independent safety analysis of the Golf Course and Cherry Street gas wells, and the associated pipeline along Cherry Street. Also, Earthtech and Poirboeuf have each provided a letter to the City which reached positive conclusions based on a cursory review of partial information regarding the facilities. Poirboeuf stated that the facilities as currently planned would present a serious risk to public safety, while Earthtech said the opposite. Earthtech only addressed the pipeline and did not even consider the well.

In my opinion their correct position should have been that additional information is needed to reach a conclusion. They did not have H₂S concentrations in air for the maximum credible leaks which could occur in the pipeline, or at the well. They also ignored evacuation problems in the area.

Since both Earthtech and Poirboeuf have gone on record with "hip shot" conclusions they can not possibly conduct an unbiased complete safety analysis. For that reason, and the fact that they reached a conclusion without performing an adequate analysis, I strongly feel that they should be disqualified from further consideration.

Since the Planning Commission will be involved in reaching a final conclusion in this matter, I request an opportunity to be involved in establishing the scope for the analysis. I would also like to review a draft of the consultants report before it is finalized.



Ron Bauman, Chairman
Oil and Gas Committee

cc: Jon Rose
City Planning Commission

12.7.95

Manistee City Planning Commission
70 Maple Street
Manistee, MI 49660

November 27, 1995

Mr. Ben Bifoss, City Manager
City of Manistee
70 Maple Street
Manistee, MI 49660

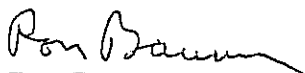
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Ron Bauman
Chairman, Oil and Gas Committee

cc: Jon Rose
City Planning Commission



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

616-723-2558
FAX 616-723-1546

December 1, 1995

Ron Bauman
807 Dinsen Street
Manistee, Michigan 49660

Dear Mr. Bauman:

I today received your correspondence dated November 29, 1995 to Mayor Conway. I am concerned with how the Planning Commission is represented.

At its August 3 meeting the Planning Commission did adopt a motion recommending that a permit for the installation of a pipeline to the Cherry Street well not be issued until after an independent expert evaluation regarding public safety. At the September 7 meeting the Planning Commission approved a request that the pipeline company be allowed to install the pipeline while restricting completion until that independent safety analysis was completed. I do not believe these actions by the Planning Commission are consistent with your representations in the above noted correspondence to Mayor Conway.

The attachments to your November 29, 1995 correspondence raise similar concerns. To my knowledge the Planning Commission has not taken action regarding your list of specific concerns nor has the Planning Commission taken a position regarding Poimboeuf or Earth Tech.

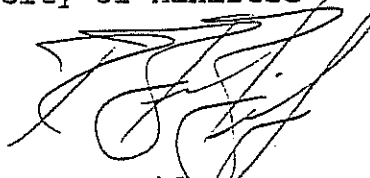
I do not take issue with the Planning Commission's recommendation that an independent safety consultant be retained to evaluate this matter. Under the terms of the permit granted to Basin Pipeline Limited Liability Company the permit "is revocable at any time at the will of the City Council."

December 1, 1995
Page 2

At the regular meeting of Tuesday, December 19, 1995 I intend to place this matter on the Council's agenda and recommend that the permit be suspended until a suitable analysis has been completed at the expense of Basin Pipeline. I propose this schedule on the assumption that the Planning Commission will take action at its December 7 meeting to support the position taken in your November 29 correspondence. Thank you.

Sincerely,

City of Manistee

A handwritten signature in black ink, appearing to be "R. Ben Bifoss", written over the printed name.

R. Ben Bifoss
City Manager

RBB:ck

cc. Manistee City Council
Planning Commission
Jon Rose, Code Administrator

12.7.95

December 3, 1995

Roger Yoder
225 Seventh Street
Manistee, MI 49660

Dear Roger,

This an apology to you and members of the Planning Commission for not requesting a special meeting prior to issuing my letter of November 29th to the Mayor and City Council. Hopefully my past performance indicates that I believe in following proper channels in performing City Planning Commission work.

In this case my deep concern over public safety, and my feeling that time was critical to prevent the City from losing control of its own destiny may have lead me to act in haste. Also, I felt that the major point of the letter was a restatement of our previous recommendation. As it now stands construction of the pipeline could start immediately after Filer Township resolves its issues with the pipeline company. This may be as soon as December 21. My November 29th letter was an attempt to encourage City Council action on this matter at their December 5th meeting. I felt that waiting any longer might not allow sufficient time to implement a hold on construction until our recommended independent analysis is completed.

The City Manager has indicated that he not will place this matter on the City Council agenda until the Planning Commission takes action to support my letter. In addition to the above apology, this is a request for such support. If the City Council does not act at its December 19th meeting, the City may in fact lose control of its own destiny by allowing the pipeline to be constructed before the outstanding safety concerns are resolved.

Thanks.


Ron Bauman

cc: Planning Commission
Ben Bifoss
Jon Rose

REPORT FROM RIVER STREET SUB-COMMITTEE

CITY OF MANISTEE PLANNING COMMISSION

The River Street Sub-Committee of the Planning Commission makes the following recommendations based on their review of the comments received regarding the traffic direction on River Street:

1. There should be no change to the traffic direction on River Street. Concerns regarding loading and unloading were repeatedly cited as reason to keep traffic one way.
2. The speed of traffic on River Street needs to be reduced. The street needs to be changed from a "thoroughfare" to a business street with local traffic. In order to accomplish this the Committee recommends installing stop signs and cross walks at each side street between US 31 and Maple Street. This should be worked out with the Department of Public Safety.
3. The Committee also recommends establishing new zoning for the downtown which would restrict ground floor business to retail trade. This needs more study before actual language and details are worked out. The Sub-Committee is willing to continue work on these matters.

12.7.95

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, MI 49660

MEETING NOTICE

To Comply with the Michigan Open Meetings Act 267 of 1976, NOTICE IS HEREBY GIVEN, that the Manistee City Planning Commission will be holding their regular business meetings on the first Thursday of each month in the City Council Chambers of City Hall, 70 Maple Street, Manistee, Michigan at 7:00 P.M.

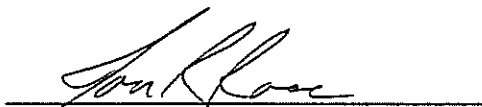
* Due to Independence Day being the first Thursday in July the meeting will be held on the second Thursday of July in the Second Floor Conference Room at City Hall 70 Maple Street.

The Regular meetings for 1996 are scheduled for the following dates:

| | | |
|--------------|------------|---------------|
| January 4th | May 2nd | September 5th |
| February 1st | June 6th | October 3rd |
| March 7th | *July 11th | November 7th |
| April 4th | August 1st | December 5th |

This notice was posted by Jon R. Rose, Code Administrator to comply with Section 4 & 5 of the Michigan Open Meetings Act (P.A. 267 of 1976) at 12:00 noon, Wednesday, November 29, 1995, on the bulletin board at the south entrance to City Hall and was published in a regular edition of the Manistee News Advocate.

Signed



Jon R. Rose, Code Administrator